IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8869 of 2007(S)

OA.294/2003 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONER:
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1. THE DIRECTOR GENERAL,
ALL INDIA RADIO, AKASHVANI BHAVAN,
PARLIAMENT STREET, NEW DELHI.

2. THE CHIEF EXECUTIVE OFFICER,
PRASAR BHARATHI(BROADCASTING CORPORATION OF INDIA)
PRASAR BHARATI SECRETARIAT, PTI BUILDING,
PARLIAMENT STREET, NEW DELHI - 110 001.

3. THE UNION OF INDIA, REPRESENTED BY THE
SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF INFORMATION AND BROADCASTING,
NEW DELHI.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG

RESPONDENTS:

P.C.SATHISH CHANDRAN,
ASSISTANT STATION DIRECTOR,
COMMERCIAL BROADCASTING SERVICE,
ALL INDIA RADIO, THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.8869 of 2007-S

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Dated this the 16th day of March, 2007

JUDGMENT

Koshy, J.

The petitioners are challenging the order of the Central Administrative Tribunal, Ernakulam Bench in O.A. No.294/2003 by filing this petition under Article 227 of the Constitution of India. The respondent was Station Director, Commercial Broadcasting Service, All India Radio. He was holding a Senior Time Scale post (STS) on the basis of adhoc promotion order dated 25.2.2002. It was stated that he will be reverted to Programme Production Cadre (JTS) after completion of adhoc period. By order dated 1.4.2003 he was reverted to the Programme Production Cadre to the substantive post of Producer (accommodated in the JTS) but was allowed to continue in the STS post. The applicant was challenging his reversion from the STS and seeking regular appointment to STS. After consideration of the entire case, the Tribunal found that the respondents are within their rights in reverting the applicant from STS to JTS pursuant to Anneuxre 3 order. But if the applicant is presently shown against a STS post and is discharging the duties of that post, he would be treated as

continuing in the STS post on adhoc basis. Petitioners themselves have posted the respondent in STS post though reverted to the substantive vacancy of JTS in view of the circumstances of the case. Considering these aspects, the Tribunal directed that he should not be reverted at present that he is only holding the post of STS on adhoc basis. The Tribunal further held that the respondent, by virtue of holding the JTS post for more than 8 years on regular basis has acquired a substantive locus in it and hence he would be entitled to count JTS as the parent grade to which he would revert from STS on termination of his adhoc tenure in the higher post It is also directed that he would be considered for regular promotion to STS considering his seniority in the relevant feeder category as per the recruitment rules, along with others. It is also noticed that there are vacancies in the STS post. Therefore, the Tribunal has only directed the petitioners to consider the respondent in the regular vacancy and it is for the petitioners to consider him along with similarly placed persons in the feeder category. Since there are vacancies, the adhoc arrangement wasdirected to continue.

We see no ground to interfere with the above order in a petition filed

under Article 227 of the Constitution of India as there is no patent illegality or perverse finding. The writ petition is dismissed.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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